

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

DEFENDANTS' RULE 12(b)(6) MOTION TO DISMISS COUNTS 1, 2, 3, 5, 6, 7 & 11 AS TIME BARRED UNDER MISSOURI'S BORROWING STATUTE

Pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, Defendants Square, Inc.; Jack Dorsey; and James McKelvey, Jr. move to dismiss with prejudice counts 1, 2, 3, 5, 6, 7 and 11 of the Complaint in this matter as untimely under Missouri's borrowing statute, Mo. Rev. Stat. § 516.190.

Defendants are filing their memorandum in support of consolidation contemporaneously with this motion

Dated: April 24, 2014

By: /s/ Jennifer Kingston

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CERTIFICATE OF SERVICE

I hereby certify that on April 24, 2014, the foregoing was served on counsel of record via the electronic filing system of the U.S. District Court for the Eastern District of Missouri on all counsel of record.

/s/ Jennifer S. Kingston